

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

LEASA K. GRANT,

Plaintiff,

Case No.: 22-cv-428

And

STATE OF WISCONSIN DEPARTMENT
OF HEALTH SERVICES and
UNITEDHEALTHCARE INSURANCE
COMPANY

Involuntary Plaintiff,

vs.

WALMART CLAIMS SERVICES, INC.,

Defendants.

NOTICE OF REMOVAL

NOW COMES Defendant Walmart Inc., incorrectly identified as Walmart Claims Services, Inc. (“Defendant”), by and through its attorneys, MWH Law Group LLP, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and hereby removes the above-captioned cause of action from Milwaukee County Circuit Court to the United States District Court for the Eastern District of Wisconsin – Milwaukee Division.

In support thereof, Defendant states the following:

1. This action was originally filed by Plaintiff against Defendant on or about February 11, 2022, in Milwaukee County Circuit Court, entitled *Leasa K. Grant. v. Walmart Claims*

Services, Inc., et al. Pursuant to 28 U.S.C. § 1446(a), copies of the Original Summons and Complaint against Defendants are attached as **Exhibit No. 1**.

2. Personal service of the Original Summons and Complaint was made upon the Defendant's Registered Agent on or about March 7, 2022. A copy of the Service of Process Transmittal is attached as **Exhibit No. 2**.

3. This case may be removed from Milwaukee County Circuit Court to the United States District Court for the Eastern District of Wisconsin – Milwaukee Division, pursuant to 28 U.S.C. § 1332. The United States District Court has original jurisdiction over the litigation filed in state court based on diversity of the parties.

5. This is a civil action in which Plaintiff Leasa K. Grant claims she is entitled to damages resulting from an incident at the Walmart store located at 5301 W. 76th Street, City of Greendale, County of Milwaukee, State of Wisconsin on or about August 17, 2019. Plaintiff is seeking damages for allegedly serious personal injury, allegedly great pain of body and mind, allegedly being obligated to expend monies for medical care and attention, and allegedly being prevented from engaging in her normal activities. (**Exhibit 1, ¶ 12**). The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs.

6. Defendant Walmart Inc. has its principal places of business in Bentonville, Arkansas, and is deemed to be a citizen of both Delaware and Arkansas pursuant to 28 U.S.C. 1332(c)(1).

7. Plaintiff is a citizen and resident of Wisconsin.

8. Involuntary Plaintiff State of Wisconsin Department of Health Services is a domestic corporation duly organized and existing under the laws of the State of Wisconsin. Involuntary Plaintiff United Healthcare Insurance Company is not a domestic corporation.

Wisconsin Department of Health Services and United Healthcare Insurance Company are named as Involuntary Plaintiffs solely based upon its payments on behalf of Plaintiff Leasa K. Grant for medical, hospital, and/or disability expenses she incurred allegedly as a result of the accident which is the subject of Plaintiff's Complaint. As such, Wisconsin Department of Health Services and United Healthcare Insurance Company are nominal parties in this action as opposed to real parties in interest. A party is a nominal party if there is no reasonable basis for predicting that it will be held liable. *Vandervest v. Wisconsin Cent.*, 936 F. Supp. 601 (E.D. WI, 1996) (holding that State Farm and WEA, as insurers of the plaintiffs who were named as defendants solely to protect their respective subrogated interests do not fall within the purview of Wis. Stats. § 632.24 or § 803.04(2) and are not otherwise real parties in interest).

9. The time for filing this notice of removal has not run because thirty (30) days has not expired since March 7, 2022, the date on which Defendant was personally served with the Original Summons and Complaint.

10. Counsel that have appeared on behalf of Plaintiff in the state court are:

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11. This Notice of Removal is being served upon the Plaintiff's counsel by the state court's electronic document management system ("EDMS") and is being filed with the Clerk of Milwaukee County Circuit Court.

WHEREFORE, Defendant Walmart Inc. gives notice that the above-captioned action now pending against it in Milwaukee County Circuit Court is being removed therefrom to the United States District Court for the Eastern District of Wisconsin – Milwaukee Division.

Dated this 6th day of April, 2022.

MWH LAW GROUP LLP

Attorneys for Defendant, Walmart, Inc.

By: /s/ Electronically signed by Carlos R. Pastrana

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